

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 16-11666
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 22, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ANDREW CARLOS DELFELD, also known as “Draven”,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:16-CR-112-2

Before KING, ELROD, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Andrew Carlos Delfeld appeals the 240-month sentence imposed for his conviction for conspiracy to possess with intent to distribute a controlled substance. He argues that the district court failed to comply with Federal Rule of Criminal Procedure 32(i)(3)(B) when it denied an adjustment under U.S.S.G. § 3E1.1 without entering specific factual findings resolving his argument that this is an “extraordinary case” in which he should receive the adjustment for

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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acceptance of responsibility despite his conduct supporting an enhancement for obstruction of justice. Because Delfeld did not object in the district court to the alleged failure to comply with Rule 32(i)(3)(B), review is for plain error. *See United States v. Mondragon-Santiago*, 564 F.3d 357, 361 (5th Cir. 2009).

The district court made implicit findings by adopting the presentence report, which satisfied Rule 32 because the findings are so clear that this court is not left to “second-guess” the basis for the denial of the § 3E1.1 adjustment. *United States v. Ramirez-Gonzalez*, 840 F.3d 240, 246 (5th Cir. 2016). Delfeld has not demonstrated error, plain or otherwise, under Rule 32(i)(3)(B). *See Mondragon-Santiago*, 564 F.3d at 361.

The district court’s judgment is AFFIRMED.